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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,742	07/01/2003	John F. Kennedy	10541-1797	3470

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EXAMINER	
HAROON, ADEEL	

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/611,742	KENNEDY ET AL.	
	Examiner	Art Unit	
	Adeel Haroon	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6,7,9,11-14 and 22-32* is/are rejected.

7)☒ Claim(s) *4,5, 8, 10, 15-21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-14, 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11 and 22 recites the limitation "the time delay circuit" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 9, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bainvoll (U.S. 6,075,412).

With respect to claim 1, Bainvoll discloses a system comprising a RF attenuator, element number 280, adapted to initially reduce the RF output signal (Column 3, lines 5-7). It is considered inherent that the RF attenuator is in communication with a modulator since it is a modulated RF signal thus modulation must have taken place before the signal reaches the attenuator. Bainvoll discloses RF ramp up circuit, element number 290, that is in communication with the RF attenuator circuit and deactivates the RF attenuator circuit by providing a gain, which offsets the attenuation provided by the RF attenuator thereby deactivating the RF attenuator (Column 3, lines 7-11). Bainvoll discloses a delay switch circuit, element numbers 240 and 260, in communication with the RF ramp up circuit to delay activation of the RF ramp up circuit by delaying the signal (Column 2, line 59 – Column 3, line 4).

With respect to claim 9, Bainvoll further discloses the RF attenuator including a capacitor and resistor in figure 3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bainvoll in view of Quintanar et al. (U.S. 6,448,857).

With respect to claims 2 and 3, the system of Bainvoll is described above in the discussion of claim 1. Bainvoll does not disclose an audio ramp up circuit. However, Quintanar et al. discloses an audio ramp up circuit in figure 2 that includes resistors, capacitors, and transistors (Column 1, line 66 – Column 2, line 3). It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to apply Quintanar et al.'s audio ramping technique to the system of Bainvoll in order to provide gain to composite signals while providing a slow start thus reducing noise in the system.

7. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bainvoll in view of McGillan (U.S. 5,969,561).

With respect to claims 6 and 7, the system of Bainvoll is described above in the discussion of claim 1. Bainvoll does not disclose the RF attenuator circuit included a PNP transistor. However, McGillan discloses a RF attenuator circuit that includes a PNP transistor (Column 3, lines 5-9). Therefore, it would be obvious to one of ordinary skill in the art at the time of the applicant's invention to apply McGillan's attenuator in Bainvoll's system in order to utilize active parts in attenuator thus having more control.

8. Claims 25, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bainvoll.

With respect to claim 25, Bainvoll discloses a method comprising attenuating the RF output signal using an RF attenuator circuit (Column 3, lines 5-7). Bainvoll also discloses increasing gradually power of the RF input signal (Column 2, line 59 – Column 2, line 4). The frequency of a FM modulator must be locked in Bainvoll's invention since the RF signal is a stable, modulated RF signal. Also, since phase locked loops are extremely well known in the art, it would be obvious to one of ordinary skill in the art to use a PLL to lock onto the oscillator frequency of the FM modulator.

With respect to claim 28, the step of locking onto a frequency of the RF output signal in Bainvoll's invention must occur before increasing power since the signal is already a stable, modulated signal before it reaches the circuit.

With respect to claim 29, Bainvoll discloses a RF ramp up circuit, element number element number 290, that gradually increases the RF output signal. (Column 3, lines 7-11).

With respect to claim 30, Bainvoll discloses a time delay circuit, element numbers 240 and 260, that activates the RF ramp up circuit by sending the RF output signal to the RF ramp up circuit (Column 2, line 59 – Column 3, line 4).

9. Claims 26, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bainvoll in view of Quintanar et al. (U.S. 6,448,857).

With respect to claim 26, the method of Bainvoll is described above in the discussion of claim 25. Bainvoll does not expressly disclose an audio ramp up circuit. However, Quintanar et al. discloses using an audio ramp up circuit to gradually increase the power of a signal (Column 1, line 66 – Column 2, line 3). It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to apply Quintanar et al.'s audio ramping technique to the system of Bainvoll in order to provide gain to composite signals while providing a slow start thus reducing noise in the system.

With respect claim 31, Bainvoll further discloses a time delay circuit, element numbers 240 and 260, (Column 2, line 59 – Column 3, line 4). It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to use Bainvoll's time delay circuit to activate the audio ramp circuit in the modified method of Bainvoll and Quintanar et al. in order to provide timing control for the system.

With respect to claim 32, the step of locking onto a frequency of the RF output signal in Bainvoll's invention must occur before increasing power since the signal is already a stable, modulated signal before it reaches the circuit.

10. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bainvoll in view of Beamish et al. (U.S. 6,445,732).

With respect to claim 27, the method of Bainvoll is described above in the discussion of claim 25. Bainvoll does not expressly the gain of the output signal being slower than the response rate of the automatic gain control in radio receiver. However, Beamish et al. discloses a method of gradually increasing the gain of a signal at a slower rate than the response rate of the AGC (Column 9, lines 1-9). Therefore, it would be obvious to one of ordinary skill in the art at the time of the applicant's invention to apply Beamish et al.'s technique to the system of Bainvoll in order to conserve power by not using excess power to increase the gain when it is not necessary.

Allowable Subject Matter

11. Claims 4, 5, 8, 10, and 15-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The specific circuitry structure described in the claims was neither found nor suggested in the prior art.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brice et al. (U.S. 2003/0012389) discloses a vehicle audio system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adeel Haroon whose telephone number is (571) 272-7405. The examiner can normally be reached on Monday thru Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AH
10/17/05

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